

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

SHANA DAVID,

Plaintiff,

v.

BIG LOTS,

Defendant

Case No. 1:22-cv-001482

NOTICE OF REMOVAL

Defendant, Big Lots Stores, LLC, incorrectly sued herein as “Big Lots” (“Big Lots”), by and through its undersigned counsel, hereby gives notice of removal of the above action from the Circuit Court for Baltimore County, Maryland (“Circuit Court”), to the United States District Court for the District of Maryland, pursuant to 29 U.S.C. §§ 1332(a), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332. All requirements for the removal of this action are met through the allegations contained in the pleadings filed in this Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, Big Lots states as follows:

1. There is pending in the Circuit Court for Baltimore County, Maryland, a Complaint styled *Shana David v. Big Lots*, Case No. C-03-CV-22-001861 (“the “State Court Action”). The Complaint in the State Court Action was filed on or about May 11, 2022. A copy of the Complaint is attached hereto as Exhibit A.

2. Defendant was served with the summons and complaint in the State Court Action on May 23, 2022.

3. This Notice of Removal is filed within thirty (30) days of the date on which Defendant first received a copy of the Complaint and is therefore timely under 28 U.S.C. § 1446(b),

4. The State Court Action is properly removed under 28 U.S.C. § 1441(a) because the State Court Action is subject to the original jurisdiction of the Court pursuant to 28 U.S.C. § 1332, as explained below.

5. Plaintiff is a resident of Ellicott City, Howard County, Maryland. *See* Exhibit A, ¶ 1.

6. Big Lots is a limited liability company organized and existing under the laws of the State of Ohio, with its principal place of business in Ohio. The sole member of Big Lots, LLC is Big Lots Management, LLC, which is an Ohio LLC with its principal place of business in Ohio. The sole member of Big Lots Management, LLC is Big Lots, Inc., which is an Ohio corporation with its principal place of business in Ohio.

7. Plaintiff's Complaint seeks compensatory damages in an amount in excess of \$75,000. *See* Exhibit A, p. 3.

8. This action is properly removed on grounds of diversity of citizenship between (a) complete diversity of citizenship exists between Plaintiff and all named defendants and (b) the amount in controversy herein exceeds the sum or value of \$75,000.

9. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and the Clerk of the Circuit Court for BaltimoreCounty, Maryland, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Big Lots Stores, LLC, incorrectly sued herein as “Big Lots,” respectfully requests that this case proceed before this Court as an action properly removed.

Respectfully submitted,

/s/ Sandra T. Carson
Sandra T. Carson (#24699)
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June, 2022, I caused a true and correct copy of the foregoing Notice of Removal to be served via the Court’s CM/ECF system, from which a copy of said document may be obtained, on:

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Attorneys for Plaintiff

/s/ Sandra T. Carson
Sandra T. Carson (#24699)